

The motion was agreed to, and at 3:51 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION

ESCORTING OF THE HOUSE MANAGERS

The PRESIDENT pro tempore. The Acting Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Acting Sergeant at Arms escorted the House managers from the Chamber.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader.

IMPEACHMENT

Mr. SCHUMER. Mr. President, the case of Donald Trump's second impeachment trial was open and shut.

President Trump told a lie—a big lie—that the election was stolen and that he was the rightful winner. He laid the groundwork for this big lie in the months before the election. He told the big lie on election night, and he repeated the big lie more than 100 times in the weeks afterward.

He summoned his supporters to Washington, assembled them on the Ellipse, whipped them into a frenzy, and directed them at the Capitol. Then he watched as the violence unfolded and the Capitol was breached and his own Vice President fled for his life, and President Trump did nothing.

None of these facts were up for debate. We saw it. We heard it. We lived it. This was the first Presidential impeachment trial in history in which all Senators were not only judges and jurors but witnesses to the constitutional crime that was committed. The former President inspired, directed, and propelled a mob to violently prevent the peaceful transfer of power, subvert the will of the people, and illegally keep that President in power. There is nothing—nothing—more un-American than that. There is nothing—nothing—more antithetical to our democracy. There is nothing—nothing—more insulting to the generations of American patriots who gave their lives to defend our form of government.

This was the most egregious violation of the Presidential oath of office and a textbook example, a classic example of an impeachable offense, wor-

thy of the Constitution's most severe remedy.

In response to the incontrovertible fact of Donald Trump's guilt, the Senate was subject to a feeble and sometimes incomprehensible defense of the former President. Unable to dispute the case on the merits, the former President's counsel treated us to partisan vitriol, false equivalence, and outright falsehoods.

We heard the roundly debunked jurisdictional argument that the Senate cannot try a former official, a position that would mean that any President could simply resign to avoid accountability for an impeachable offense, a position which, in effect, would render the Senate powerless to ever enforce the disqualification clause in the Constitution. Essentially, the President's counsel told the Senate that the Constitution was unconstitutional. Thankfully, the Senate took a firm stance, set a firm precedent with a bipartisan vote in favor of our power to try former officials for acts they committed while in office.

We heard the preposterous claim that the former President's incitement to violence was protected by the First Amendment. The First Amendment right to free speech protects Americans from jail, not Presidents from impeachment. If the President had said during World War II, "Germany should attack the United States on Long Island; we have left it undefended," I suspect Congress would have considered that an impeachable offense.

Finally, defense counsel said that President Trump was not directly responsible for the violence at the Capitol:

His words were merely a metaphor; his directions were merely suggestions; and the violent mob was just a spontaneous demonstration.

Yet wind the clock back, and ask yourself, if at any point Donald Trump did not do the things he did, would the attack on the Capitol have happened? There is only one answer to this question: Of course not. If President Trump hadn't told his supporters to march to the Capitol, if he hadn't implored them to come to Washington on January 6 in the first place, if he hadn't repeatedly lied to them that the election was stolen and their country was being taken from them, the attack would not have happened, could not have happened. January 6 would not have happened but for the actions of Donald Trump.

Here is what the Republican leader of the Senate said: The mob that perpetrated the "failed insurrection" on January 6 "was provoked by President Trump." Do you want another word for "provoke"? How about "incite"? Yet still—still—the vast majority of the Senate Republican caucus, including the Republican leader, voted to acquit former President Trump, signing their names in the columns of history alongside his name forever.

January 6 will live as a day of infamy in the history of the United States of America. The failure to convict Donald

Trump will live as a vote of infamy in the history of the U.S. Senate.

Five years ago, Republican Senators lamented what might become of their party if Donald Trump became their Presidential nominee and standard-bearer. Just look at what has happened. Look at what Republicans have been forced to defend. Look at what Republicans have chosen to forgive. The former President tried to overturn the results of a legitimate election and provoked an assault on our own government, and well over half the Senate Republican conference decided to condone it—the most despicable act that any President has ever committed, and the majority of Republicans cannot summon the courage or the morality to condemn it.

This trial wasn't about choosing country over party, even not that; this was about choosing country over Donald Trump, and 43 Republican Members chose Trump. They chose Trump. It should be a weight on their conscience today, and it shall be a weight on their conscience in the future.

As sad as that fact is, as condemnable as the decision was, it is still true that the final vote on Donald Trump's conviction was the largest and most bipartisan vote of any Presidential impeachment trial in American history.

I salute those Republican patriots who did the right thing. It wasn't easy. We know that. Let their votes be a message to the American people because, my fellow Americans, if this Nation is going to long endure, we as a people cannot sanction the former President's conduct, because if lying about the results of an election is acceptable, if instigating a mob against the government is considered permissible, if encouraging political violence becomes the norm, it will be open season—open season—on our democracy, and everything will be up for grabs by whoever has the biggest clubs, the sharpest spears, the most powerful guns. By not recognizing the heinous crime that Donald Trump committed against the Constitution, Republican Senators have not only risked but potentially invited the same danger that was just visited upon us.

So let me say this: Despite the results of the vote on Donald Trump's conviction in the Court of Impeachment, he deserves to be convicted, and I believe he will be convicted in the court of public opinion. He deserves to be permanently discredited, and I believe he has been discredited in the eyes of the American people and in the judgment of history.

Even though Republican Senators prevented the Senate from disqualifying Donald Trump for any office of honor, trust, or profit under these United States, there is no question Donald Trump has disqualified himself. I hope, I pray, and I believe that the American people will make sure of that. If Donald Trump ever stands for

public office again, and after everything we have seen this week, I hope, I pray, and I believe that he will meet the unambiguous rejection by the American people.

Six hours after the attack on January 6, after the carnage and mayhem was shown on every television screen in America, President Trump told his supporters to “Remember this day forever.” I ask the American people to heed his words. Remember that day forever but not for the reasons the former President intended. Remember the panic in the voices over the radio dispatch, the rhythmic pounding of fists and flags at the Chamber doors. Remember the crack of a solitary gunshot. Remember the hateful and racist Confederate flag flying through the halls of our Union. Remember the screams of the bloody officer crushed between the onrushing mob and a doorway to the Capitol, his body trapped in the breach. Remember three Capitol Police officers who lost their lives. Remember that those rioters actually succeeded in delaying Congress from certifying the election. Remember how close our democracy came to ruin.

My fellow Americans, remember that day, January 6, forever, the final, terrible legacy of the 45th President of the United States and undoubtedly our worst. Let it live on in infamy, a stain on Donald John Trump that can never, never be washed away.

On Monday we will recognize Presidents Day. Part of the commemoration in the Senate will be the annual reading of Washington’s Farewell Address. Aside from winning the Revolutionary War, I consider it his greatest contribution to American civil life, and it had nothing to do with the words he spoke but the example it set.

Washington’s Farewell Address established for all time that no one had the right to the Office of the Presidency, that it belonged to the people. What an amazing legacy. What an amazing gift to the future generations, the knowledge that this country will always be greater than any one person, even our most renowned. That is why Members of both parties take turns reading Washington’s address once a year in full into the RECORD, to pledge common attachment to the selflessness at the core of our democratic system.

This trial was about the final acts of a President who represents the very antithesis of our first President and sought to place one man before the entire country: himself.

Let the record show—let the record show before God, history, and the solemn oath we swear to the Constitution that there was only one correct verdict in this trial: guilty. And I pray that while justice was not done in this trial, it will be carried forward by the American people, who, above any of us in this Chamber, determine the destiny of our great Nation.

I yield the floor.

(Mr. PADILLA assumed the Chair.)

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KAINE). The Republican leader is recognized.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, January 6 was a disgrace. American citizens attacked their own government. They used terrorism to try to stop a specific piece of domestic business they did not like. Fellow Americans beat and bloodied our own police. They stormed the Senate floor. They tried to hunt down the Speaker of the House. They built a gallows and chanted about murdering the Vice President. They did this because they had been fed wild falsehoods by the most powerful man on Earth because he was angry he lost an election.

Former President Trump’s actions preceding the riot were a disgraceful—disgraceful—dereliction of duty.

The House accused the former President of “incitement.” That is a specific term from the criminal law.

Let me just put that aside for a moment and reiterate something I said weeks ago. There is no question—none—that President Trump is practically and morally responsible for provoking the events of the day. No question about it. The people who stormed this building believed they were acting on the wishes and instructions of their President, and having that belief was a foreseeable consequence of the growing crescendo of false statements, conspiracy theories, and reckless hyperbole which the defeated President kept shouting into the largest megaphone on planet Earth.

The issue is not only the President’s intemperate language on January 6. It is not just his endorsement of remarks in which an associate urged “trial by combat.” It was also the entire manufactured atmosphere of looming catastrophe; the increasingly wild myths—myths—about a reverse landslide election that was somehow being stolen in some secret coup by our now-President.

Now, I defended the President’s right to bring any complaints to our legal system. The legal system spoke. The electoral college spoke. As I stood up and said clearly at that time, the election was settled. It was over. But that just really opened a new chapter of even wilder—wilder—and more unfounded claims.

The leader of the free world cannot spend weeks thundering that shadowy forces are stealing our country and then feign surprise when people believe him and do reckless things.

Now, sadly, many politicians sometimes make overheated comments or use metaphors—we saw that—that unhinged listeners might take literally, but that was different. That is different from what we saw. This was an intensifying crescendo of conspiracy theories, orchestrated by an outgoing

President who seemed determined to either overturn the voters’ decision or else torch our institutions on the way out.

The unconscionable behavior did not end when the violence actually began. Whatever our ex-President claims he thought might happen that day, whatever reaction he says he meant to produce, by that afternoon, we know he was watching the same live television as the rest of us. A mob was assaulting the Capitol in his name. These criminals were carrying his banners, hanging his flags, and screaming their loyalty to him.

It was obvious that only President Trump could end this. He was the only one who could. Former aides publicly begged him to do so. Loyal allies frantically called the administration. The President did not act swiftly. He did not do his job. He didn’t take steps so Federal law could be faithfully executed and order restored. No. Instead, according to public reports, he watched television happily—happily—as the chaos unfolded. He kept pressing his scheme to overturn the election.

Now, even after it was clear to any reasonable observer that Vice President Pence was in serious danger, even as the mob carrying Trump banners was beating cops and breaching perimeters, the President sent a further tweet attacking his own Vice President. Now, predictably and foreseeably under the circumstances, members of the mob seemed to interpret this as a further inspiration to lawlessness and violence, not surprisingly.

Later, even when the President did halfheartedly begin calling for peace, he didn’t call right away for the riot to end. He did not tell the mob to depart until even later. And even then, with police officers bleeding and broken glass covering Capitol floors, he kept repeating election lies and praising the criminals.

In recent weeks, our ex-President’s associates have tried to use the 74 million Americans who voted to reelect him as a kind of human shield against criticism—using the 74 million who voted for him as kind of a human shield against criticism. Anyone who decries his awful behavior is accused of insulting millions of voters. That is an absurd deflection. Seventy-four million Americans did not invade the Capitol. Hundreds of rioters did. Seventy-four million Americans did not engineer the campaign of disinformation and rage that provoked it. One person did it—just one.

Now, I have made my view of this episode very plain. But our system of government gave the Senate a specific task. The Constitution gives us a particular role. This body is not invited to act as the Nation’s overarching moral tribunal. We are not free to work backward from whether the accused party might personally deserve some kind of punishment.

Justice Joseph Story was our Nation’s first great constitutional scholar. As he explained nearly 200 years